



DEPARTMENT OF LAND AND NATURAL RESOURCES

News Release

NEIL ABERCROMBIE
GOVERNOR

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LABOR DAY WEEKEND -- DLNR AGAIN ENFORCING SAFETY RULE BANNING DRUGS, ALCOHOL AT AHU O LAKA (KANE'OHE SANDBAR)

HONOLULU -- The Department of Land and Natural Resources will again be enforcing its new emergency rule over the impending Labor Day holiday weekend (Saturday, Sunday and Monday September 3-5) that establishes a safety zone around Ahu o Laka (the Kane'ohe sandbar). The rule prohibits the possession and use of alcohol and drugs on three-day weekends that include state holidays.

In response to concerns brought to its attention this week about possible release of radioactive materials when a Kaneohe Marine Corps Sea Stallion helicopter crashed onto an area further out towards the open sea at the end of March, DLNR invited the Department of Health Indoor and Radiological Health branch to scan areas of the sandbar nearest the crash site, and also where most boaters approach the sandbar from within the bay. Specialists scanned the areas but were only able to detect background amounts which do not present a risk to human health. The sandbar will remain open to the public.

"We thank the Department of Health for conducting this survey in order to assure that this popular natural feature is safe for continued public enjoyment," said William J. Aila, Jr. DLNR Chairperson.

"We thank the public for their compliance with the sandbar safety rule that made possible a safe family atmosphere at Ahu o Laka over holiday weekends in July and August. We are hoping for more of the same over the Labor Day weekend," he said.

"Our objective is to increase awareness that excessive drinking and use of illegal drugs contributes to unsafe behavior that the community has told us they do not want to see continue at this location," he said.

Over the July 4 holiday weekend, DLNR enforcement officers issued three citations to individuals for unauthorized possession of alcohol within the Ahu O Laka safety zone. Fines of \$50 each were issued to two active-duty soldiers – in addition to a requirement that each write a letter to their service newspaper to advise fellow military members. A \$200 fine was issued to a third boater. No citations were issued for violations of the safety zone rule over the generally quiet Admission Day holiday weekend.

The Ahu o Laka safety zone describes a rectangular area in the middle of Kane‘ohe Bay that is just over a square mile comprising the majority of the sandbar and defined by six marker buoys.

The rule includes:

- a prohibition on the possession or consumption of alcohol and other intoxicating substances within the Ahu o Laka safety zone;
- a prohibition on entering or remaining in such area while intoxicated or under the influence of alcohol, narcotics, or drugs; and
- a prohibition of disorderly conduct.

DLNR Division of Conservation and Resources Enforcement officers, assisted by Public Safety Sheriffs/Narcotics division officers and Attorney General investigators, will be present at the He‘eia Small Boat Harbor and patrolling Ahu o Laka over the weekend to ensure compliance with the new emergency rule and other applicable state laws, including requirements for current boat registration and boating safety equipment.

Division of Boating and Ocean Recreation will staff an information booth at the harbor and provide flyers to boaters over the weekend. Information has also been provided to local yacht clubs and at a boat rental vendor at the Kane‘ohe Marine Corps Air Station.

The Land Board has rule-making authority under HRS Section 200-4 and emergency rule-making powers in HRS Section 91-3. The board amended Hawaii Administrative Rule (HAR) Title 13 Chapter 256 by adopting a new section 13-256-73.13 to address activities anticipated to pose an imminent peril to the public health, safety or morals at Ahu o Laka.

As provided under HRS sections 200-14 and 200-14.5, violations may be subject to a civil penalty of not more than \$1,000 or less than \$50 for each violation, in addition to administrative fines, fees, costs, and damages. Persons cited will be processed administratively at a public meeting before the Land Board. Persons wishing to contest the infraction(s) may request a HRS Ch. 91 contested case hearing.

The rule is a response to an increase in overcrowding and incidents involving alcohol and drugs at Ahu o Laka over the past several years, particularly on holiday weekends. The rule is in effect for 120 days while the Department prepares to begin a formal rule-making process with public input to establish permanent rules for Ahu o Laka.

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